

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

STEVEN A. DIAZ,
a/k/a "Peto," and
MICHAEL DIAZ,

Defendants.

COUNT ONE

08CRIM-033
INDICTMENT
08 Cr.
FEB 1 2008
MANICALLY FILED
JAN 18 2008

The Grand Jury charges:

1. From on or about September 10, 2007, up to and including on or about September 24, 2007, in the Southern District of New York and elsewhere, STEVEN A. DIAZ, a/k/a "Peto," the defendant, not being a licensed importer, licensed manufacturer, and licensed dealer of firearms, unlawfully, willfully, and knowingly did engage in the business of importing, manufacturing, and dealing in firearms, and in the course of such business did ship, transport, and receive firearms in interstate and foreign commerce, to wit, DIAZ sold to a confidential informant (1) a .380 caliber AMT pistol; (2) a 20 gauge Marlin-Glenfield shotgun; (3) a .32 caliber Harrington & Richardson revolver; (4) a .22 caliber Rohm revolver; (5) a 7.62 caliber Polytechnologies rifle; and (6) a .380 caliber Hipoint pistol.

(Title 18, United States Code, Sections 922(a)(1)(A) and 2.)

Judge Buchwald

COUNT TWO

The Grand Jury further charges:

2. On or about September 17, 2007, in the Southern District of New York, STEVEN A. DIAZ, a/k/a "Peto," and MICHAEL DIAZ, the defendants, unlawfully, willfully, and knowingly, did receive, possess, and transfer a firearm which is not registered to either defendant in the National Firearms Registration and Transfer Record, to wit, a 20 gauge Marlin-Glenfield shotgun.

(Title 26, United States Code, Sections 5861(d) & (e) and 2.)

COUNT THREE

The Grand Jury further charges:

3. On or about October 1, 2007, in the Southern District of New York, STEVEN A. DIAZ, a/k/a "Peto," the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit 5 grams and more of mixtures and substances containing a detectable amount of cocaine base.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B), and Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION AS TO COUNTS ONE THROUGH THREE

4. As a result of committing the offenses alleged in Counts One through Four of this Indictment, STEVEN A. DIAZ, a/k/a "Peto," and MICHAEL DIAZ, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982 and 21 U.S.C. § 853, any and all property constituting or derived from any proceeds

either defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One through Three of this Indictment.

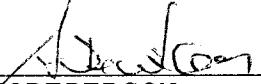
5. If any of the above-described forfeitable property, as a result of any act or omission of either defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;

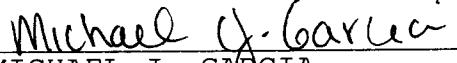
d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of either defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982 and Title 21, United States Code, Sections 841(a)(1) and 853.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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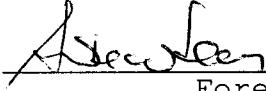
INDICTMENT

08 Cr. _____

(Title 18, United States Code,
Sections 922(a)(1)(A) and 2, Title 21 United States Code,
Sections 812, 841(a)(1), 841(b)(1)(B), and
Title 26, United States Code, Sections 5861(d) & (e).)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL



Michael J. Garcia
Foreperson.

01/18/08